

# THE HARMAN FIRM, LLP

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November 2, 2016

**Via ECF**

Hon. Ramon E. Reyes, Jr.  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East, Room N208  
Brooklyn, New York 11201

**Re: *Martinez v. Vivid Mechanical, LLC*; 16 CV 3763**

Dear Judge Reyes:

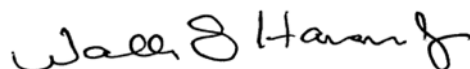
We represent Plaintiff George Martinez in the above-referenced action. We write in response to Defendant's two (2) November 2, 2016 letters seeking an extension of time to oppose Plaintiff's motion for a default judgment and to respectfully request a telephonic status conference.

While Plaintiff's counsel did receive a call from Defendant's counsel seeking to stipulate to "vacate" the default judgment, Defendant's counsel did not provide any basis for Defendant's failure to respond to the Complaint for many months, nor did it raise any purported defenses to the claims. More importantly, we did not say that we opposed such a request; we *did* say that we would look into the status of the default motion and that we would respond to the request within a day or two. We had another conversation with Defendant's counsel yesterday, in which settlement was discussed. At no point during either of these conversations did we formally oppose any requests related to default. Furthermore, as no defenses were raised in either conversation, we were not made aware of the purported subject matter jurisdiction defense. However, that defense is utterly frivolous and has no merit whatsoever; Plaintiff did not plead a Title VII claim, and thus the Court cannot address jurisdiction on this basis.

We remain perplexed by the content of Defendant's letters and therefore respectfully submit that a telephonic status conference would be helpful at this juncture.

Thank you for Your Honor's time and attention to this matter.

Respectfully submitted,



Walker G. Harman, Jr.